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PAUL W. MARTIN NCR CORPORATION, LAW DEPT. 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001			EXAMINER VU, TUAN A	
			ART UNIT 2193	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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# Office Action Summary

Application No.

10/041,743

Applicant(s)

WEAVER, SCOTT JAMES

Examiner

Tuan A. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 5/04/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is responsive to the Applicant's request for a pre-Appeal Conference filed 5/4/07.

As indicated in the Pre-Appeal Conference decision response as per 5/18, prosecution of the case is herein reopened. Claims 17-33 are pending in the office action.

#### *Claims Objections*

2. The claims 17, 25 and 32 are objected to because of the following informalities: the phrase recited as 'transferring ... translated data element to the second software component when a function of the second software component is called by the first software component' is nowhere in the Disclosure matched with a proper description relating *first AND second software component*, whereby it is necessarily conveyed a concept of 'transferring THE translated data element', in view of the limitation such that a function of the second software component is called by the first software component. Absent any textual/graphical description in the Specifications directly mentioning a *call* from one first software component *to a function* of a second component, and absent a *transferring* step as recited above, the claim language appears far-fetched and requires modification. The improper use of language without genuine support in the Specifications will be treated as a scenario where the second software component is any other communicating application requesting translation of data based on the data wedge retranslating the first software component schema, and whereas one application coming from a client is the first software component. The above impropriety if uncorrected would create a lack of final step to achieve a tangible result, hence would potentially lead to a non-statutory subject matter if no correction is made.

*Claim Rejections - 35 USC § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 17-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 17, 25 and 32 recite ‘transfer(ring) ... translated data element to the second software component when a function of the second software component is called by the first software component’. The Specifications does not provide a clear scenario involving first and second software component in connection with translation of data element from the data Wedge whereby there is a *call* from one software component *to a function of* the other software component in order to trigger a *transfer* as recited. That is, the entire disclosure clearly lacks teachings in regard to:

- (i) *a call to a function* being described anywhere to be performed by either of first and/or second software component; (ii) an explicit clarification as to whether said *second software component* is actually a server, an agent, a proxy, some client, or a wedge or any application module; (iii) a definition as to what this first software component amounts to within the above *call* context; and (iv) an actual *transfer* between those 2 software components using the Data Wedge actions or translated results.

Absent anywhere in the Disclosure about a call to a function and nowhere about transfer of translated data in response to such call, the above limitation cannot enable one of skill in the art to make use of the applicant's invention; and broad interpretation will be applied according to Claim Objection as set forth above.

The dependent claims 18-24, 26-31, and 33 are also rejected for not remedying to this 'transferring' limitation.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 17-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Worden, USPubN: 2003/0149934 (hereinafter Worden).

**As per claim 17**, Worden discloses a computer-implemented method of translating data from a format of a data model of a first software component to a format of a data model of a second software component (e.g. para 0031, pg. 3), the method comprising:

creating a first schema comprising the data model of the first software component (para 0429 to para 0431, pg. 23-24; para 0368-0372, pg. 20 – Note: XML represented by a business model reads on schema comprising a model – see para 0598 to 0688, pg. 31-33 ); integrating the first schema into a data wedge (e.g. *XMulator* - para 0423 – 0434, pg. 23-24; para 0591-0597, pg. 30-31);

creating a second schema comprising the data model of the second software component (e.g. *two XML-based languages using XMulator* – para 0357-0361, pg 20; Fig. 9); integrating the second schema into the data wedge (see Fig. 9 - Note: using XMulator to map model to XML for 2 intended languages reads on first and second integration of respective model into the wedge);

populating the data model of the first software component (e.g. para 0701-0722, pg. 33-34; Fig. 38-41 – Note: purchases in different languages requiring a XMulator and a mediating definition language – see para 0249-0255, pg. 14 – wherein each purchase coming from one user reads on first software component with corresponding purchase model – see Fig. 17-21 – being populated); and

translating a data element from the format of the data model of the first software component to the format of the data model of the second software component by the data wedge (e.g. para 0818-0822, pg. 38; Fig. 54-56; para 0842-0858, pg. 37-38; para 0031, pg. 3); and

transferring the translated data element to the second software component when a function of the second software component is called by the first software component (Note: passing of transformed XSLT -- para 0842-0858, pg. 37-38 -- back to the purchasing/requesting client **reads on** second software component being any foreign language application request effectuated via a agent or a manufacturer catalog service back to the requesting application at that client/user – see para 0260 to para 0264 – pg 14-15; Fig. 9).

**As per claims 18-20**, Worden discloses triggering an event to notify the second software component of translated data element availability ( see Fig. 31, 74, 75, 78-80 – Note: Gui pop-up screens **read on** event); reading the translated data element by the second software component; removing an obsolete data element from the data model of the first software component (e.g.

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para 0260 to para 0264 – pg 14-15; Fig. 9 -- Note: agent and user paradigm wherein the XMulator provides MDL, XML-to-XML mappings and transformation into XSLT to return to the user **reads on** second software reading the translated data element using the XMulator tool – see Fig. 54-56; para 0842-0858, pg. 37-38 – including removing of old data - see *delete* button – Fig. 29-31; para 0720, pg. 34) .

**As per claims 21-22**, Worden discloses creating an instance of the data wedge ( e.g. Fig. 12 – Note: each session per application or agent with login reads on instance) ; wherein the first and second schemas further comprise a name of the data wedge (e.g. XMulator Ltd 2000, Fig. 12).

**As per claim 23**, Worden discloses wherein integrating the first schema into the data wedge includes setting default data elements and data values for the data model (e.g. para 0085-0094, pg. 6; Fig. 17, 20-23 – Note: purchase model to be implemented with W3C template form of a extensible language **reads on** W3C/XML basic format having default and values to be extended with associations or relations from a UML, during the session wherein first software component data are integrated into the XMulator) of the first software component.

**As per claim 24**, Worden discloses modifying a data element in the data model of the first software component (see *delete* button – Fig. 29-31; para 0720, pg. 34; para 0973-0993, pg. 45).

**As per claim 25**, Worden discloses a computer system for translating data from a format of a data model of a first software component to a format of a data model of a second software component, the system comprising:

a processor; and a memory coupled to said processor, the memory having stored therein data and sequences of instructions which, when executed by said processor, cause said processor to:

create a first schema comprising the data model of the first software component; integrate the first schema into a data wedge;

create a second schema comprising the data model of the second software component; integrate the second schema into the data wedge;

populate the data model of the first software component;

translate a data element from the format of the data model of the first software component to the format of the data model of the second software component by the data wedge; and transfer the translated data element to the second software component when a function of the second software component is called by the first software component;

all of which step limitations having been addressed in claim 17.

**As per claims 26-27**, refer to the rejection of claims 18, 20 respectively.

**As per claims 28-31**, refer to the rejection of claims 21, 24, 22, 23 respectively.

**As per claim 32**, Worden discloses a computer system for translating data from a format of a data model of a first software component to a format of a data model of a second software component (para 0031, pg.3), the system comprising: a processor; and a memory coupled to said processor, wherein said processor is configured to execute a sequence of instructions contained in said memory, the instructions comprising

a data wedge including a first schema of the first software component and a second schema of the second software component (*two XML-based languages using XMulator* – para



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0357-0361, pg 20; see Fig. 9 - Note: using XMulator to map model to XML for 2 intended languages reads on first and second schemas via integration of respective XML-corresponding model into the wedge),

the data wedge configured to translate a data element from the format of the data model of the first software component in accordance with the first schema to the format of the data mode of the second software component in accordance with the second schema (e.g. Fig. 9; para 0818-0822, pg. 38; Fig. 54-56; para 0842-0858, pg. 37-38; para 0031, pg. 3) and

to transfer the translated data element to the second software component when a function of the second software component is called by the first software component (Note: passing of transformed XSLT -- para 0842-0858, pg. 37-38 -- back to the purchasing/requesting client **reads on** second software component being any foreign language application request effectuated via agent or a manufacturer catalog service back to the requesting application at that client/user – see para 0260 to para 0264 – pg 14-15; Fig. 9).

**As per claim 33**, refer to the rejection of claims 18

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 17-33 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (272) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)272-3756.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 ( for non-official correspondence - please consult Examiner before using) or 571-273-8300 ( for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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July 15, 2007